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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the International Movement Against All Forms of Discrimination and Racism, a non-governmental organization in special consultative status with the Economic and Social Council

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[3 July 2001]

A. Discrimination against the Buraku people in Japan

1. Insufficient policies for the solidarity disadvantaged in the light of the situation of the Buraku (article 2 and other provisions)

1. For the political purpose of controlling people with "divide and rule" tactics, the feudal class system was established at the beginning of the seventeenth century, creating the class of humble people based on discrimination practised in the Middle Ages. No transfer between classes was allowed.

2. Those who were placed in the humble class were forced to engage in specific occupations, including the disposal of dead cattle, or work as security guards and executioners. They were not allowed to live where they wanted, being ordered to live in certain villages. Later, those villages were named "Buraku". The "Dowa people" referred to in the Government's report are those who are from Buraku communities.

3. Despite the fact that discrimination still has a serious negative impact on Buraku people, especially at a time of prolonged depression, the Government has become less willing in its approach towards the solution. The current "1969 Law on Special Measures for Dowa Projects" will expire by the end of March 2002. The Government has indicated its intention not to renew the law after its expiration.

4. As the Government of Japan needs to make a basic policy for the elimination of discrimination against Buraku people after March 2002 when the current "Law on Special Measures" expires, it is imperative to conduct a survey to discover the real conditions of Buraku communities.

5. The Committee on the Elimination of Racial Discrimination at its fifty-eighth session recommended that the Government of Japan provide further information in its next report on the impact of the "Law on Special Measures" and envisage strategies to eliminate discrimination against Burakumin after the law ceases to apply, i.e. in 2002.

2. Discrimination in employment against Buraku people and insufficient measures to ensure equal employment opportunities (articles 2 and 6)

6. Generally speaking, discrimination in employment tends not to come up to the surface. Yet, several cases of discrimination in employment come up every year. One of the most serious and extensive discriminatory practices so far disclosed is the "Buraku lists scandal" of 1975. In this scandal, more than 200 private companies, mainly leading companies in Japan, bought copies of the "Buraku list" to identify the locations of Buraku communities when recruiting.

7. In June 1998, the "Discriminatory background investigation scandal" was uncovered. About 1,400 companies registered membership with a business consultancy firm that investigated the personal affairs of individuals at the request of their clients. According to the findings, about 700 member companies asked the agency to check if their job applicants were Buraku people, Korean residents, members of religious organizations or union activists.

8. Taking this into account, the Government has to immediately ratify ILO Convention No. 111 and enact a related national law.

3. Discrimination against Buraku people in marriage, threatening the freedom of marriage (articles 2 and 10, para. 1)

9. Among many different discriminatory practices against Buraku people, the one at the time of engagement to be married is the most serious and deep-rooted. Today, it still happens that many young men and women are driven to killing themselves because of marriage discrimination. Even though they persuade themselves not to commit suicide, they suffer serious psychological damage.

10. For the elimination of such marriage discrimination that has such serious consequences, different approaches are required, including education and awareness-raising. Discrimination against Buraku is usually practised on the basis of family background. As only descent matters, nobody can tell who is a Buraku unless one's descent is identified through a discriminatory

investigation into one's residence, ancestors' birthplace, etc. Local governments should have ordinances prohibiting investigative agencies or detective agencies from conducting investigation that leads to discrimination against Buraku, while the national Government should enact such a law.

4. Discrepancies between Buraku people and others in the field of education, affecting the right to education (articles 2 and 13)

11. It is clear that a gap still exists between Buraku children and non-Buraku children in educational standards. At the secondary school level, there is a gap of several points between Buraku students and non-Buraku students. It should be noted that many Buraku students quit school before graduation. As a result, the gap between the two at the time of graduation is about 10 points. In addition, when it comes to higher education, the enrolment rate of Buraku children is about 60 per cent of the national average.

12. At the time of expiration of the current "Law on Special Measures", the special scholarship programme will be scrapped. It is much feared that the educational standards of Buraku people may deteriorate.

13. In addition, the percentage of non-enrolment in or non-attendance at school among Buraku people, especially among the elderly, is high, resulting in the prevalent illiteracy. For this reason, each Buraku community organizes a literacy class for these people. While it is necessary to maintain the literacy classes, it is also necessary to take adequate steps to meet the advanced information technology.

B. Discrimination against Koreans and other permanent residents in Japan

1. Lack of consideration for the special historical status of Koreans and other permanent residents in Japan (article 2 and other provisions)

14. Nearly half of the registered foreigners in Japan are now Korean permanent residents, as a result of Japan's historical colonization of Korea and the forced evacuation of the Korean people. Social discrimination against those Korean permanent residents is firmly entrenched. The Government treats all categories of foreigners in the same way, without recognition of the special status of Koreans and other permanent residents deriving from the historical background and their permanent residency, as is clear from the descriptions of the State party's report on the status and rights of foreigners.

15. Regarding Koreans and other permanent residents in Japan, CERD, at its fifty-eighth session, recommended that Japan take more resolute measures to prevent and counter violent actions against Koreans, mainly children and students; undertake appropriate measures to eliminate discriminatory treatment of minorities, including Koreans, in this regard and to ensure access to education in minority languages in public Japanese schools; and, considering that the name of an individual is a fundamental aspect of the cultural and ethnic identity, take the necessary measures to abolish the administrative or legal requirement that Koreans applying for Japanese nationality change their name to a Japanese name.

2. Lack of remedies for certain Koreans and other permanent residents in the National Pension Scheme (articles 2 and 9)

16. The requirement for Japanese nationality in the National Pension Scheme was abolished in 1982 and foreigners have benefited from the Scheme since then. However, since it is a social insurance system and the beneficiaries are required to have contributed for 25 years or more, the number of Korean elders (born before 1 April 1926) who cannot receive pensions amounts to approximately 56,500 (the number of registered foreigners who were 70 years of age or older, according to the Ministry of Justice, in 1997); the number of Koreans with disabilities (who were 20 years of age or older in 1982) who are in the same situation is estimated to be 3,000. The statement in the State party's report that "[i]n accordance with the principle of equality between foreigners and Japanese nationals, the Government makes efforts to provides foreigners, regardless of nationality, ... with the same social services as those for Japanese nationals" (para. 6) is not accurate.

3. Non-application of war-related assistance laws to Koreans and other foreigners who had worked for the Japanese Armed Forces because of requirements for Japanese nationality (articles 2 and 9)

17. Since 14 war-related assistance laws, including the Law Concerning Assistance to War Casualties and Their Bereaved Families, in force in Japan have requirements for Japanese nationality, they are not applied to veterans from Korea and Taiwan, former colonies of Japan. In its views expressed in Gueye and Others v. France (Comm. No. 196/1985), the Human Rights Committee decided that differential treatment based on one's citizenship at the time a pension is to be paid constitutes discrimination prohibited by article 26 of the International Covenant on Civil and Political Rights. A measure has been taken since then, however, which is not absolutely inequitable.

4. Korean permanent residents who cannot be employed by local governments on the basis of their nationality (articles 2 and 6)

18. The Government takes a negative stance against the employment of foreigners by local Governments, arguing that it is a "logical legal consequence", an unclear concept that is not explicitly set out in the legislation. As a result, foreigners cannot be employed as civil servants in many local municipalities, even as non-career secretarial and office workers. Paragraph 8 of the State party's report explains this issue as if there are ways for foreigners to be employed as civil servants, which is not the case in reality.